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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65835

Gen KANAI, et al.

Appln. No.: 09/927,442

Group Art Unit: 1772

Confirmation No.: 4176

Examiner: Marc A. Patterson

Filed: August 13, 2001

For: RESIN COMPOSITION FOR HEAT-SHRINKABLE POLYPROPYLENE SHRINK LABEL AND FILM COMPRISING SAME

STATEMENT OF SUBSTANCE OF INTERVIEW

MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interviews conducted on October 27, and November 1, 2004:

REMARKS

An Examiner's Interview Summary Record (PTO-413) was attached with the Notice of Allowance dated November 4, 2004.

The interviews were initiated by the Examiner. Therefore, no further recordation by the Applicant is believed to be required.

During the interviews, the Applicant agreed to cancel non-elected Claims 5-8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34 and 36 and to amend the Abstract as proposed by the Examiner in the Examiner's Amendment, thereby placing the applicant in condition for allowance.

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It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 17, 2004



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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit that the Examiner's Statement of Reasons for Allowance is incorrect.

On page 3 of the Detailed Action, the Examiner indicates that the claims are allowable because the prior art of record fails to disclose:

[A] film for polypropylene shrink label comprising from 50 to 95% by weight of a crystalline propylene- α -olefin random copolymer mainly comprising propylene and from 5 to 50% by weight of an alicyclic hydrocarbon resin, the resin having a softening temperature of 110 degrees Celsius to 140 degrees Celsius, *and a copolymer* exhibiting a melt flow rate of from 0.5 to 10 g/10 min at a temperature of 230 degrees Celsius and a load of 2.16 kg, and a T₅₀ of not higher than 125 degrees Celsius, and a film that shrinks in the main shrinkage direction at a shrinkage rate following the relationships:

S₈₀>251d - 215

S₉₀>531d - 462

S₁₀₀>627d - 541

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wherein S_{80} , S_{90} and S_{100} are shrinkage rates in the main shrinkage direction at 80 degrees Celsius, 90 degrees Celsius and 100 degrees Celsius, respectively, and d is the specific gravity of the film (emphasis added).

However, Applicant respectfully submits that the Examiner's description of the recited "film" does not directly correspond to what is recited in present independent Claims 9 and 11 and their dependent Claims 4, 13, 15, 17, 23, 27, 29, 31, 33 and 35.

Specifically, Claim 9 (and Claim 11) recites:

A film for heat-shrinkable polypropylene shrink label comprising a resin composition, which comprises from 50 to 95% by weight of a crystalline propylene- α -olefin random copolymer mainly comprising propylene, the copolymer satisfying the following requirements (1) to (3); and from 5 to 50% by weight of an alicyclic hydrocarbon resin having a softening temperature of 110°C to 140°C:

Requirement (1): The copolymer exhibits a melt flow rate of from 0.5 to 10 g/10 min at a temperature of 230°C and a load of 2.16 kg;

Requirement (2): The copolymer exhibits a main fusion peak temperature (T_p) of from 100°C to 140°C as determined by means of a differential scanning calorimeter (DSC); and

Requirement (3): The copolymer exhibits T_{50} of not higher than 125°C with the proviso that T_{50} is a temperature (°C) at which an amount of heat of fusion is 50% of ΔH_m wherein ΔH_m is a total amount of heat of fusion of the copolymer as determined by DSC, wherein in a dynamic viscoelasticity measurement, at least one peak of loss tangent ($\tan \delta$) measured at a frequency of 1 Hz and a strain of 0.1% is observed at the range of from 30°C to 100°C, and a peak value thereof is not smaller than 0.10, in which the film has been stretched at least monoaxially at a draw ratio of not smaller than 2, and shrinks in the main shrinking direction at a shrinkage rate satisfying the following relationships (1) to (3), exhibits a specific gravity of not greater than 0.95, and shrinks at a shrinkage rate of less than 3% at a temperature of 40°C in 7 days:

Relationship (1): $S_{80} > 251d - 215$

Relationship (2): $S_{90} > 531d - 462$

Relationship (3): $S_{100} > 627d - 541$

wherein S_{80} , S_{90} and S_{100} are shrinkage rates (%) in the main shrinking direction determined when dipped in a hot water bath at 80°C, 90°C and 100°C,

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respectively, for 10 seconds; and d is the specific gravity of the film for shrink label.

Thus, it is clear that it is the "film" of Claim 9 (and Claims 4, 11, 13, 15, 17, 23, 27, 29, 31, 33 and 35) comprises two components: from 50 to 95% by weight of a crystalline propylene- α -olefin random copolymer mainly comprising propylene, the copolymer satisfying the following requirements (1) to (3); and from 5 to 50% by weight of an alicyclic hydrocarbon resin having a softening temperature of 110°C to 140°C.

Accordingly, the "film" recited in Claims 4, 9, 11, 13, 15, 17, 23, 27, 29, 31, 33 and 35 simply is different from that recited above by the Examiner, and Applicant respectfully submits that the claims are allowable in view of the respective recitations of these claims and the arguments presented by Applicants during prosecution.

Respectfully submitted,



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